REMARKS

Claims 1-35 were pending in the present application. Claims 2-7, 11, 23 and 27 were amended. Accordingly, claims 1-35 remain pending in the application.

The Examiner has objected to claims 11, 22, 28, 30, and 31 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant has not, at this juncture, rewritten claims 11, 22, 28, 30, and 31 into independent form.

Claims 2, 4, and 27 stand rejected under 35 U.S.C. §112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended the claims to provide proper antecedent basis.

Claims 1-6, 8, 10, 12-16, and 23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8, 11, 12, 15-17, and 22 of co-pending Application Number 09/963,890, as originally filed, in view of Suzuki et al. (U.S. Patent Application Number 2001/0056553) (hereinafter "Suzuki"). Applicant has herewith filed a Terminal disclaimer in compliance with 37 C.F.R. §1.321(c) to obviate the rejection. However, per MPEP §804.02 Applicant notes that the filing of the Terminal disclaimer is not an admission of the propriety of the rejection.

Claims 1-9, 12, 13, 15-18, 21, 23, 24, 27, 29, and 32-35 stand rejected under 35 U.S.C. §102(e) as being anticipated by Suzuki. Applicant respectfully traverses this rejection.

Claims 14, 19, 20, 25, and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki. Applicant respectfully traverses this rejection.

The Examiner has asserted that a **domain,** as recited in Applicant's claims, is functionally equivalent to **a path** from an initiating node to the outgoing line, through the system of Suzuki. The Examiner further asserts that Suzuki teaches each and every element recited in Applicant's claim 1. Applicant respectfully disagrees with the Examiner and further finds the Examiner's characterization of Suzuki to be faulty for various reasons, examples of which are outlined below.

Applicant's claim 1 recites

> "A method for reconfiguring a signal path in a computing system including a plurality of system domains, the method comprising:
>
> detecting a predetermined condition triggering a reconfiguration of the computing system;
>
> reconfiguring a signal path affected by the condition from a first mode to a second mode responsive to detecting the condition;
>
> leaving the unaffected system domains configured in the first mode; and
>
> operating the affected system domains in the second mode and the unaffected system domains in the first mode." (Emphasis added)

Specifically, Suzuki discloses at page 1 paragraph 6

> "According to a first aspect of the present invention, there is provided a method of routing traffic from each of a plurality of incoming line cards to one of a plurality of outgoing line cards to which outgoing transmission lines are connected, comprising monitoring the **outgoing** transmission lines, communicating a fault indication to **all** of the incoming line cards if a **fault condition is detected in at least one of the outgoing** transmission lines, and updating a routing table **at each** of the incoming line cards according to the fault indication so that packets from the incoming line cards are routed to normally operating outgoing transmission lines." (Emphasis added)

Suzuki also discloses at page 2, paragraph 16

> "If a fault occurs in the transmission line 14-11, the fault monitor 32 sends a fault indication cell through the switch 12 on paths 40 and 41 to the processor of **all** incoming line cards. In **each** incoming line card, the

> processor 21 responds to the fault indication cell from the fault monitor 32 for updating the routing table 22 so that traffic from the incoming line card which would otherwise be routed to the faulty destination line 14-11 is routed to a normal destination line 14-1k, for example, via a path 42 of the switch 12." (Emphasis added)

From the foregoing, Suzuki teaches modifying **each** of the incoming line cards (and thus, in accordance with the Examiner's own definition, each domain) for every failure regardless of which domain (path) fails. Thus, Applicant submits that Suzuki teaches modifying multiple paths for the failure of a single path. Further, Applicant submits that Suzuki **does not** operate the affected domain (path) in any mode. Suzuki teaches rerouting all traffic away from the affected domain (path), thereby effectively shutting down the path. Accordingly, Applicant submits that Suzuki **does not teach or disclose** "leaving the unaffected system domains configured in the first mode," or "operating the affected system domains in the second mode and the unaffected system domains in the first mode" as recited in Applicant's claim 1.

In addition, the Examiner asserts that Suzuki teaches detecting the failure from the system control board (processor 21 acts as system control board) as recited in Applicant's claim 3. Applicant respectfully disagrees with this characterization. Applicant asserts that Suzuki detects the failures using the fault monitor 32, which is located in the outgoing line card (and as implied in the Examiner's rejection of claim 4). Suzuki also teaches processor 21 responds to the fault indication cell from the fault monitor 32. Thus, processor 21 responds to the fault indication (in which case the fault has already been detected). Accordingly, Suzuki does not teach or disclose "wherein the computing system includes at least one system control board and wherein detecting the predetermined condition includes detecting a failure from the system control board" as recited in Applicant's claim 3.

Applicant submits that claim 1, along with its dependent claims, patentably distinguishes over Suzuki for the reasons given above.

Applicant's claim 17 recites in pertinent part "a system controller capable of detecting a condition triggering a reconfiguration and reconfiguring a signal path affected by the condition from a first mode to a second mode."

The Examiner asserts that processor 21 of Suzuki is the system controller capable of detecting a failure. From the discussion above, Applicant asserts that Suzuki **does not teach** the processor 21 detecting the failure. To the contrary, Suzuki teaches a fault monitor 32 detecting failures. The Examiner himself asserted in his rejection of claim 4, that the fault monitor notifies of failures. Thus Suzuki does not teach or disclose "a system controller capable of detecting a condition triggering a reconfiguration" as recited in Applicant's claim 17.

Accordingly, Applicant submits that claim 17, along with its dependent claims, patentably distinguishes over Suzuki for the reasons given above.

Applicant's Claim 23, as amended, recites in pertinent part "a system controller capable of detecting a condition triggering a reconfiguration and dynamically reconfiguring a signal path affected by the condition from a first mode to a second mode."

Applicant asserts that claim 23, along with its dependent claims, patentably distinguishes over Suzuki for the reasons given above in regard to claim 17.

Applicant's claim 34 recites in pertinent part

> "a plurality of signal paths, each signal path terminating at a first end in a first one of the system domains, routing through the crossbar switch, and terminating at a second end in a second one of the system domains; and
> a console connection over which the system controller can, responsive to a condition triggering a reconfiguration, reconfigure a plurality of the system domains affected by the condition and the crossbar switch to operate the affected signal paths in a first mode while the signal paths domains unaffected by the failure operate in a second mode."

By the Examiner's own definition, Suzuki does not teach "each signal path terminating at a first end in a first one of the system domains, routing through the crossbar switch, and terminating at a second end in a second one of the system domains" as recited in Applicant's claim 34. To the contrary, if each signal path is a separate domain (according to the Examiner), then it wouldn't make sense to terminate a signal path as recited in the Applicant's claim 34. Furthermore, the Examiner is asserting that in the event of a failure, the signal path changes from one domain to another. However that is not what is claimed.

In addition, Suzuki does not teach or disclose "the system controller can, responsive to a condition triggering a reconfiguration, reconfigure a plurality of the system domains affected by the condition and the crossbar switch to operate the affected signal paths in a first mode while the signal paths domains unaffected by the failure operate in a second mode." The processor 21 of Suzuki does not reconfigure the crossbar switch. Processor 21 changes the addresses in the routing table within the line card. The switch merely reads the new routing information.

For at least the foregoing reasons, Applicant submits that claim 34 patentably distinguishes over Suzuki.

Applicant's claim 35 recites in pertinent part "a system control board hosting a system controller capable of defining the system domains, configuring the system domains and the crossbar switch to operate the signal paths in a first mode, and, responsive to a condition triggering a reconfiguration, reconfiguring the affected system domains and the crossbar switch to operate the affected signal paths in a second mode while the unaffected signals paths operate in the first mode."

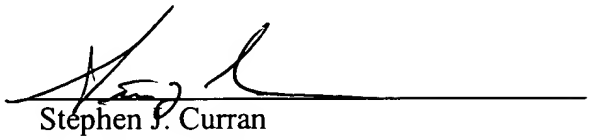
Applicant asserts that Suzuki does not teach or disclose these features. Thus, Applicant submits that claim 35, along with its dependent claims, patentably distinguishes over Suzuki for at least the reasons given above in regard to claim 34.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-53600/BNK.

Respectfully submitted,



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